

1 S. CHRISTOPHER YOO (CA Bar No. 169442)  
2 cyoo@AlvaradoSmith.com  
3 SHERI M. KANESAKA (CA Bar No. 240053)  
4 skanesaka@AlvaradoSmith.com  
5 ALVARADOSMITH  
6 A Professional Corporation  
7 1 MacArthur Place, Suite 200  
8 Santa Ana, California 92707  
9 Tel: (714) 852-6800  
10 Fax: (714) 852-6899

11 Attorneys for Plaintiff  
12 JPMORGAN CHASE BANK, N.A., successor by merger to CHASE HOME  
13 FINANCE LLC, Servicing Agent for MORTGAGE ELECTRONIC  
14 REGISTRATION SYSTEMS, INC., Beneficiary Solely as Nominee for BNC  
15 MORTGAGE, INC., its Successors and Assigns

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 JPMORGAN CHASE BANK, N.A., Successor  
19 by Merger to CHASE HOME FINANCE LLC,  
20 Servicing Agent for MORTGAGE  
ELECTRONIS REGISTRATIONS SYSTEMS,  
INC., Beneficiary Solely as Nominee for BNC  
MORTGAGE INC., its Successor and Assigns,

21 Plaintiff,

22 v.

23 TAD MICHAEL PRIZANT; DEVIN DERHAM-  
24 BURK, TRUSTEE REGARDING DEBTOR  
25 TAD MICHAEL PRIZANT'S PETITION  
26 UNDER CHAPTER 13 OF THE UNITED  
27 STATES BANKRUPTCY CODE, and DOES 1-  
28 10, INCLUSIVE

29 Defendants.

30 **CASE NO.:** 12-cv-06577-HRL

31 **JUDGE:** Howard R. Lloyd

32 **JUDGMENT PER STIPULATION**

33 **ACTION FILED:** January 2, 2013

34 ALVARADOSMITH  
35 A PROFESSIONAL CORPORATION  
36 SANTA ANA

37 ///

38 ///

39 ///

1 Having considered plaintiff JPMorgan Chase Bank, N.A.'s, successor by merger to Chase  
2 Home Finance LLC, Servicing Agent for Mortgage Electronic Registration Systems, Inc.,  
3 Beneficiary Solely as Nominee for BNC Mortgage, Inc., its Successors and Assigns ("JPMorgan" or  
4 "Plaintiff") and defendant Tad Prizant's ("Defendant") joint stipulation for entry of judgment, and  
5 good cause appearing thereto,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

- 7 1. Judgment in favor of Plaintiff and against Defendant shall be entered as to Plaintiff's  
8 First Cause of Action for Declaratory Relief.
- 9 2. The deed of trust securing payment of a loan in the principal amount of \$413,250.00  
10 ("Loan") that Defendant borrowed from BNC Mortgage, Inc. ("Originator"), and  
11 recorded as to real property commonly known as 1390 Saddle Rack Street, Number  
12 230, San Jose, California 95126 ("Subject Property"), on June 28, 2005 as Instrument  
13 Number 18442653 ("DOT"), is a valid lien that encumbers the Subject Property.
- 14 3. The Loan was originated in compliance with all applicable regulations, including the  
15 Truth in Lending Act, 15 U.S.C. §§ 1601 *et seq.* ("TILA"), and Defendant was  
16 provided with the required disclosures.
- 17 4. Although Defendant received two copies of his "Notice of Right to Cancel" pursuant  
18 to the TILA, in connection with obtaining the Loan, Defendant did not exercise this  
19 right within the three day period.
- 20 5. Defendant does not and will not contest or challenge in any manner foreclosure of the  
21 Subject Property by JPMorgan and/or its assignee(s) or grantee(s).
- 22 6. Plaintiffs' Second, Third, and Fourth Causes of Action against Defendant are  
23 dismissed without prejudice.

24     ///

25     ///

26     ///

27     ///

28

